

SENATE BILL 2310

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 36,  
relative to domestic relations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-101, is amended by designating the current language as subsection (a) and by inserting the following as a new subsection (b) thereto:

(b) Unless specifically waived or extended by the court, bills for divorce on any ground for divorce listed in this section must have been on file for sixty (60) days before being heard if the parties have no unmarried child under eighteen (18) years of age, and must have been on file at least ninety (90) days before being heard if the parties have an unmarried child under eighteen (18) years of age. The sixty-day or ninety-day period shall commence on the date the bill is filed.

SECTION 2. Tennessee Code Annotated, Section 36-4-130, is amended by deleting the language "choose to" from subsection (a).

SECTION 3. Tennessee Code Annotated, Section 36-4-131, is amended by deleting the current language in its entirety and by substituting instead the following:

(a) Except as provided in subsection (b) or unless specifically waived or extended by the court, in any proceeding for divorce or separate maintenance, the court shall order the parties to participate in mediation and such mediation shall be concluded and a report provided to the court no later than one hundred eighty (180) days from the date the complaint for divorce was filed.

(b) In any proceeding for divorce or separate support and maintenance, if an order of protection issued in or recognized by this state is in effect or there is a court finding of domestic abuse or any criminal conviction involving domestic abuse within the

marriage that is the subject of the proceeding for divorce or separate support and maintenance, the court may order mediation or refer either party to mediation only if:

(1) Mediation is agreed to by the victim of the alleged domestic or family violence;

(2) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(3) The victim is permitted to have in attendance at mediation a supporting person of the victim's choice, including, but not limited to, an attorney or advocate. No victim may provide monetary compensation to a non-attorney advocate for attendance at mediation.

Mediation conducted pursuant to this subsection (b) shall be concluded and a report provided to the court no later than one hundred eighty (180) days from the date the complaint for divorce was filed.

SECTION 4. Tennessee Code Annotated, Title 36, Chapter 4, Part 1, is amended by inserting the following as a new section thereto:

In any proceeding for divorce or separate maintenance involving minor children, if either of the parties fails to attend the parent education seminar required by § 36-6-408, the court may deny the divorce on that basis, notwithstanding any provision of this part to the contrary.

SECTION 5. Tennessee Code Annotated, Section 36-6-403, is amended by inserting the language "or, unless expressly waived by the court, for any other action involving the custody of or visitation with a minor child by that child's parents, whether or not the parents have ever been married" before the period at the end of the first sentence of that section.

SECTION 6. Tennessee Code Annotated, Section 36-6-404, is amended by inserting the language “or, unless expressly waived by the court, for any other action involving the custody of or visitation with a minor child by that child’s parents, whether or not the parents have ever been married,” between the language “permanent parenting plan” and the semicolon in the the first sentence of that section.

SECTION 7. This act shall take effect July 1, 2007, the public welfare requiring it.